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October 6, 2010

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: Notice of Ex Parte Communication, WC Docket No. 06-122

Dear Ms. Dortch:

On October 5, 2010, the undersigned, on behalf of U.S. TelePacific Corp. d/b/a TelePacific Communications (“TelePacific”), met with Vickie Robinson, Carol Pomponio, and Chin Yoo of the Wireline Competition Bureau to clarify TelePacific’s position on the Petition for Clarification or in the Alternative for Partial Reconsideration (“Petition”) submitted by AT&T, Inc., CenturyLink, SureWest Communications, and Verizon (collectively, the “Petitioners”).

TelePacific agrees with the Petitioners’ basic premise that the *TelePacific Order*¹ did not establish any additional requirements for wholesale telecommunications providers with regard to verification of resellers.² TelePacific suggested that the Bureau address the narrow question presented in the Petition and clarify that footnote 41 does not establish a new rule for restatement of wholesale revenues. Commission rules provide that revenues from sales to other carriers are not subject to USF contribution if the 499 filer satisfies the “reasonable expectation” standard. As the Bureau held in the Global Crossing Bandwidth Order, “If a carrier fails to demonstrate that it either has affirmative knowledge that its customer is contributing to the universal service fund as a reseller or has a reasonable expectation that its customer is contributing as a reseller based on the guidance provided in the FCC Form 499-A instructions or other reliable proof, USAC

¹ *Request for Review of Decision of the Universal Service Administrator and Emergency Request for Stay by U.S. TelePacific d/b/a TelePacific Telecommunications, Order, DA 10-752, WC Docket No. 06-122 (Wireline Comp. Bur. April 30, 2010) (“TelePacific Order”).*

² *Reply Comments of Joint Petitioners AT&T, CenturyLink, SureWest, and Verizon, Request for Review of a Decision of the Universal Service Administrator and Emergency Petition for Stay by U.S. TelePacific Corp. d/b/a TelePacific Communications, CC Docket No. 06-122, at 4 (July 21, 2010) (“Reply Comments”).*

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may properly reclassify that carrier's reported reseller revenue as end-user revenue."³ As the Bureau also noted in the Global Crossing Bandwidth Order, "a wholesale carrier can substantiate its reasonable expectation regarding the status of a customer by retaining a current and properly executed reseller certification. This provides wholesale carriers the assurance and consistency they need to satisfy their obligation to accurately report their revenues."⁴ The Bureau should clarify that nothing in footnote 41 was intended to alter those rules and that USAC may not require a wholesale carrier to restate revenues reported consistent with the reasonable expectation standard.

If you have any questions, please do not hesitate to contact me.

Sincerely yours,

/s/ electronically signed

Tamar E. Finn

cc (by e-mail):

Vickie Robinson
Carol Pomponio
Chin Yoo

³ *Request for Review of Decision of the Universal Service Administrator by Global Crossing Bandwidth, Inc.*, Order, CC Docket No. 96-45, DA 09-1821, ¶ 14 (Aug. 17, 2009) (emphasis added).

⁴ *Id.* at ¶ 13.